

The Intersection of Public Guardianship and Child Welfare: Options for Addressing Potential Conflicts of Interest

Option 1: Firewalls

The county department of social services could have internal firewalls to prevent information sharing and influence among staff members involved with the two cases.

Pros: Departments already use this approach in other situations (e.g., DSS assumes custody of infant born to foster child; information sharing between programs when confidentiality laws prohibit disclosure); allows both cases to remain in the home county.

Cons: Smaller counties may have difficulty with separation required, especially for attorney(s) involved; may not serve the best interests of the ward and/or the child

Option 2: Buddy county

Counties could create a formal or informal “buddy system” that allows a county with a conflict to refer a case to a neighboring county.

Pros: Separates the case from the county DSS; departments already rely upon an informal “buddy system” to manage other types of conflicts.

Cons: Current system is very informal; funding can be a significant issue, especially when considering referral of a long-term guardianship case for a relatively young ward.

Option 3: Corporate guardian

The guardianship could be referred to a corporate guardian either temporarily (until the child welfare case is resolved) or long term.

Pros: Separates the case from the county DSS; statewide network of corporate guardians already in place.

Cons: Funding would be a significant issue because without additional resources from the state or federal government, the county would need to pay for this service.

Option 4: State involvement

The state could assume responsibility for either the guardianship or the child welfare case.

Pros: Separates the case from the county DSS.

Cons: State is not currently staffed or equipped to assume direct responsibility or representation in either type of case; administration is done entirely at the county level; would require a new model/social services system for this small subset of cases; funding would be a significant issue.

Option 5: Other disinterested public agent

The law could be revised again to allow for the appointment of a public agency or official other than the director of social services to serve as a disinterested public agent. The clerk would have the discretion to appoint this other agent in exceptional circumstances, such as conflicts.

Pros: Separates the case from the county DSS.

Cons: Limited options available at the county level (possibly public health or aging); law recently revised to remove those other officials/agencies as options for various reasons (limited expertise, funding); limited opportunities to serve as guardian make it difficult to learn how best to staff needs and support wards adequately; funding would be a significant issue.